

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARK NELSON,

Plaintiff,

v.

OPINION and ORDER

DANIEL M. CROMWELL,

23-cv-28-jdp

Defendant.

Plaintiff Mark Nelson, appearing pro se, is incarcerated at Redgranite Correctional Institution. Nelson alleges that he received inadequate medical care after he fell and injured his arm at the prison. Nelson has made an initial partial payment of the filing fee as previously directed by the court.

The next step is for me to screen Nelson's complaint and dismiss any portion that is legally frivolous or malicious, fails to state a claim upon which relief may be granted, or asks for money damages from a defendant who by law cannot be sued for money damages. 28 U.S.C. §§ 1915 and 1915A. In doing so, I must accept his allegations as true and construe the complaint generously, holding it to a less stringent standard than formal pleadings drafted by lawyers. *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). I conclude that Nelson's current allegations do not state claims for relief, but I will give him a chance to amend his complaint.

Nelson has filed both an initial complaint, Dkt. 1, and a document he titles "brief in chief," Dkt. 7, that follows the format of a complaint. Those documents contain allegations that might support claims for relief. But in both documents he fails to explicitly state in the caption who he wishes to sue. In his brief he lists the defendants as "Daniel Cromwell, et al." *Id.* at 1. Cromwell is the warden of Redgranite Correctional Institution, but Nelson does not

allege that Cromwell was responsible for the lack of adequate medical treatment. And Nelson does not explain who else he intends to name as defendants.

I will give Nelson an opportunity to file an amended complaint that addresses these problems. He should file his new complaint on the court's complaint form, which I will have the clerk of court send him. In drafting his amended complaint, Nelson should remember to do the following:

- Carefully consider whether he is naming proper defendants and omit defendants who did not personally cause or participate in a violation of his rights.
- Identify all of the individuals who he wishes to sue in the caption of the complaint.
- Describe simply and concisely what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. He should state his allegations as if he were telling a story to someone who knows nothing about the events.

If Nelson fails to submit an amended complaint by the deadline set below, I will dismiss the case and assess him a "strike" under 28 U.S.C. § 1915(g).

ORDER

IT IS ORDERED that:

1. Plaintiff Mark Nelson's complaints, Dkt 1 and Dkt. 7, are DISMISSED.
2. Plaintiff may have until April 25, 2023, to submit an amended complaint as directed in the opinion above.
3. The clerk of court is directed to send plaintiff a copy of the court's complaint form.

Entered April 4, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge